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June 21, 2007

The Honorable Board of Aldermen  
City Hall  
93 Highland Avenue  
Somerville, MA 02143

Re: **Proposed Amendment Establishing a PUD-C Zoning Overlay District and Union Square Arts Overlay District with Facilitation by Citywide Amendments; Order #183156**

Dear Honorable Board of Aldermen:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its report and recommendation on proposed amendments to the Union Square area of the City of Somerville. The proposed amendment would make various changes to Article 2, "Definitions," Article 6, "Establishment of Zoning Districts," Article 7, "Permitted Uses," Article 9, "Off-street Parking and Loading," Article 16, "Planned Unit Development (PUD)," and the Zoning Map.

On May 17, 2007, at 6:00 p.m. the Planning Board held a duly advertised public hearing jointly with your Board's Land Use Committee in the Aldermanic Chambers in City Hall. The purpose of the hearing was to solicit public comments on the proposed amendments and to evaluate the amendments in the context of testimony received, correspondence from interested parties and the findings and analysis of the Planning Staff. At this meeting, the Planning Board voted to keep its record open for written comments until Friday, June 15, 2007 at noon. After two subsequent discussions held in the OSPCD Conference Room on June 6 and June 21, 2007, and following due consideration of the materials received, both in written and oral form, the Planning Board voted (3-1, with Linda Bohan

opposed and Elizabeth Moroney absent) on June 21, 2007, to recommend **APPROVAL** of the proposed amendment, as further amended herein.

### PURPOSE OF THE AMENDMENTS

The primary purpose of the amendments is to establish an Arts Overlay District and a PUD Zoning Overlay District in Union Square. Second, the Amendments seek to establish and clarify the zoning of arts-related uses, such as Artist Housing and Artist Studio Space.

Additionally, the stated purposes of the amendments are to:

1. Develop the potential of a number of large vacant and underutilized parcels in Union Square;
2. Improve economic development in the City by creating jobs, tax revenue, and otherwise improve the quality of life;
3. Address critical shortage of housing for all income levels in the City;
4. Facilitate development of Union Square in conjunction with the construction of a Green Line transit station in the vicinity of Union Square and Boynton Yards;
5. Recognize, promote, and preserve Somerville's high concentration of artists, particularly around Union Square;
6. Create tax revenue for the City and facilitate additional mixed-use development to support existing businesses and the arts community in Union Square;
7. Increase residential density to facilitate additional commercial development in Union Square and city-wide;
8. Increase residential density in the vicinity of the new Green Line station;
9. Offer an alternative method of providing improved urban open spaces;
10. Provide cultural, economic, and social benefits to the City by preserving and enhancing the character of Unions Square for arts-relates uses; and
11. Preserve historic assets and character of Union Square and nearby Prospect Hill.

### OVERVIEW OF THE AMENDMENTS

The proposed re-zoning that targets the Union Square area has three overlay district components. In the Union Square Arts Overlay District, slightly higher FAR and reduced lot area/dwelling unit requirements could be permitted for developments comprised solely of Artist Housing above the ground floor. In the PUD-C District (which is within the Arts Overlay), increased FAR limits and reduced lot area/dwelling unit requirements could be achieved, subject to SPSR review and approval; likewise, increased heights could be achieved for some areas.<sup>1</sup> Within the PUD-C1 Overlay District (which is within the PUD-C), a greater allowance for height and density may be possible, subject to SPSR, in exchange for an increased affordable housing component; other dimensional requirements would be the same as the rest of the PUD-C.

To achieve these ends, amendments are proposed to Article 2, "Definitions"; Article 6, "Establishment of Zoning Districts"; Article 7, "Permitted Uses"; Article 9, "Off-street Parking

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<sup>1</sup> The PUD-C area contains underlying zoning of CBD, BB, and BA districts, which already allow 50-foot/4-story heights; in the BB district, there is no limit on stories. The PUD-C also contains some parcels in the RC district, which could gain an increase in height through PUD-C zoning, but this is a relatively small portion of the PUD-C district.

and Loading”; and Article 16, “Planned Unit Development (PUD),” to the Zoning Ordinance; and to the Zoning Map of the City of Somerville.

### CHANGES FROM FIRST VERSION

This is the second zoning amendment package to address these concerns; the current proposal incorporates changes recommended during the first public process. During the initial process, Senior Planner Joe Merkel worked with various city departments, neighborhood groups, elected officials and other stakeholders over a two-year period. This also involved city-commissioned studies, numerous neighborhood meetings, zoning workshops, and public meetings. Following public hearings on the initial proposal, and a favorable recommendation by the Planning Board, Mr. Merkel and other Planners in OSPCD made revisions to the proposal, and have submitted them as a new amendment package, which is reviewed herein.

The principal changes from the first amendment package address concerns raised by members of the public, Planning Board members, and Aldermen during the initial public hearing process. Changes include:

- Height in PUD-C1 district—lowered from 12 stories/140 feet to 100 feet;
- Addition of design guidelines to mitigate visual and shadow impacts of increased scale
- Density in PUD-C district—reduced from FAR of 4.0 to 3.0;
- Arts Overlay District boundaries—extended along Somerville Avenue and Washington Street to McGrath Highway; all RA and RB properties removed;
- PUD-C Overlay District boundaries—extended along Somerville Avenue; all RA and RB properties removed;
- PUD-C1 Overlay District boundaries—limited to east side of Prospect Street;
- Establishment of Usable Open Space Stabilization Fund; and
- Increase affordable housing requirement in PUD-C1 from 12.5% to 15%.

### PUBLIC TESTIMONY

On May 17, 2007, the Board of Aldermen's Committee on Land Use held a joint public hearing with the Planning Board to hear testimony on the proposed amendment. The following summarizes the recommendations and concerns raised in public testimony.

- Increase affordable housing from 12.5% to 15% throughout the PUD-C Overlay District;
- Concern about gentrification and displacement of existing residents, especially families, disabled, and lowest-income residents;
- Limit inclusionary housing for artists to 25% of the total required inclusionary units.
- Require more open space;
- Concern about open space fund being an “out” for developers; require developers to build open space and contribute to the fund;
- A plan is needed for open space; any open space developed from these funds should be within a specified radius of Union Square;
- Landscaping should be more clearly defined to preclude gravel;
- Proposed 100’ height limit is too great; recommend 70 feet and 6 stories;
- Proposed heights should be greater to promote revenues;
- Total number of stories should be capped, as well as height in feet;
- No dimensional waivers should be allowed;

- Parking should not be considered an “exceptional public benefit”;
- Parking should not be an allowed ground floor non-residential use in the PUD-C and PUD-C1 districts;
- Key properties should not be sold before transportation changes are effected;
- A build-out analysis is needed to determine the future burden on the transportation network;
- Protect historic resources and quirky character of Union Square;
- Evaluate shadow, wind, and view effects of 100-foot buildings on Prospect Street; and
- More information should be available about the Artist Certification Process.

### WRITTEN TESTIMONY

In addition to accepting spoken testimony, the Planning Board kept its record open for written testimony until noon of Friday, June 15, 2007, and all comments received by that time were forwarded to the Planning Board prior to the June 21 meeting. All written testimony received prior to the June 15 deadline was forwarded to the Planning Board, and a copy has been included with this recommendation.

### RECOMMENDED CHANGES TO THE PROPOSED ZONING

OSPCD Staff provided a written response to the above-described testimony, which was presented at the June 7, 2007, Planning Board meeting; this document is attached. The Planning Board recommends that your Board consider the revisions shown below, with recommended ~~deletions~~ crossed out and recommended ***additions*** in bold and italicized. Page numbers refer to the City of Somerville, Board of Aldermen Order No. 183156 of April 26, 2007.

### City Wide Amendments to Facilitate Proposed Districts in Unions Square

- 1) Throughout text. Change all instances of the word *Artist's* or *Artists'* (regarding Artist Housing or Artist Studio Space) to ***Artist***.
  - Rationale: Correct grammar and provide consistency in terms.
- 2) Page 2, Task 2. **Definitions**. Add the following new Section 2.2.67, renumbering following sections as needed:

***Historic District, Local (LHD). An area designated as an LHD in accordance with the Somerville Historic District Ordinance.***

- Rationale: Recommended by Historic Preservation Commission.

- 3) Page 2, Task 2. **Definitions**. Add the following new Section 2.2.68, renumbering following sections as needed:

***Historically Significant Building. A building at least 50 years old and defined as significant in accordance with the Demolition Review Ordinance.***

- Rationale: Recommended by Historic Preservation Commission; term is used in certain design guidelines.

- 4) Page 3, Task 3. Permitted Uses. Under proposed new SZO Section 7.11.6.8, change the Chart of Permitted Uses to read:

8.	Artist's Studio Space
a.	less than 5,000 s.f. of gross floor area
b.	5,000 s.f. or more of gross floor area

Within row 6.8.a, the use shall be listed as “Y” (permitted) in the CBD, NB, BA and Union Square Arts Overlay District only; it shall be listed as “**SP**” (**Special Permit**) “~~SPSR~~” (~~special permit with site plan review~~) in the RC, BB, IP, IB, and IA districts; and “**SPSR**” (**special permit with site plan review**) in the ASMD, PUD-B, and PUD-C districts only; and it shall be listed as “-” (prohibited) in the RA, RB, OS, and UN districts only.

Within row 6.8.b, the use shall be listed as “**SP**” (**Special Permit**) “~~Y~~” (~~permitted~~) in the CBD, NB, BA and Union Square Arts Overlay District only; it shall be listed as “**SPSR**” (special permit with site plan review) in the RC, BB, IP, IB, IA, ASMD, PUD-B, PUD-C, and districts only; and it shall be listed as “-” (prohibited) in the RA, RB, OS, and UN districts only.

- Rationale: Lower regulatory burden for smaller studio spaces in certain districts, by reducing requirement from SPSR to SP; and establish a review requirement for larger studio spaces.

- 5) Page 4, Task 1. Creation of PUD-C Overlay District. The Planning Board recommends changes to Section 16.3, which are prompted by the proposed language in SZO 6.1.21.B, which establishes the Planning Board as the SPGA in the PUD-C district. SZO 16.3 should be amended to read:

Section 16.3. Permit Authority and Designation of a Planned Unit Development.

Planned Unit Development may be permitted under special permit with site plan review. Upon request of the owner(s) of a lot(s) meeting the criteria set forth in this Ordinance for PUD, and in accordance with the applicable provisions of Article 5 and with the provisions of this Article 16, the SPGA may grant a special permit with site plan review for and designate land tracts as a PUD. ***Unless otherwise specified in this Ordinance, the SPGA for all zoning relief for a PUD development shall be the Planning Board.***

- Rationale: This will clarify the Planning Board's role as SPGA for all PUDs, including requests that might otherwise require approval from the ZBA (e.g., variances for non-dimensional requirements such as parking).

PUD-C Overlay District

- 1) Throughout text. Change all instances of the word *Artist's* or *Artists'* (regarding Artist Housing or Artist Studio Space) to **Artist**.

➤ Rationale: Correct grammar and provide consistency in terms.

- 2) Pages 5-6, Task 4-b, PUD Review Procedures, related to dimensional requirements. Amend table in Section 16.5.1 to include “g”, “minimum frontage (ft)” as shown:

	<b><u>PUD-C</u></b>
a. minimum lot size (s.f.) (1)	25,000
b. minimum lot area/dwelling unit (2)	
1-9 units (s.f.)	600
10 or more units (s.f.)	600
c .maximum ground coverage (%) (2)	80
d. landscaped area, minimum percent of lot (2)	10
e. floor area ratio (FAR) (2)	3.00 (4.00 within C-1 subdistrict)
f. maximum height, stories/feet (3) (4)	4 stories/50 feet (100 feet within C-1 subdistrict)
g. setbacks (front, side, and rear perimeter) (5) (6)	0
<b><i>h. minimum frontage (ft)</i></b>	<b><i>200</i></b>
(#) = See footnotes in Section 16.5.2.	

➤ Rationale: Add minimum frontage requirement to encourage consolidation of smaller and interior parcels.

- 3) Page 7, Task 4-c, PUD Review Procedures, related to dimensional waivers. Amend line 7 of proposed Section 16.5.4 (d) to read:

(d) for any new development within the PUD-C Overlay District, no dimensional waiver shall be granted unless the proposed project provides extraordinary public benefit. Extraordinary public benefit is defined as physical, social or cultural amenities beyond those otherwise required by applicable provisions of this Ordinance, which benefit all the residents of the community. Such benefits may include, but are not limited to, plazas, open space, public parking spaces, affordable housing, community space, and ~~cultural space~~ ***spaces with historic or cultural reference***. Benefits may be provided either on the project site or at an off-site location within the PUD-C or Union Square Arts Overlay Districts.

- Rationale: Recommended by Historic Preservation Commission, to include historically themed parks and exhibits.

- 4) Page 7, Task 4, section “F”, PUD Review Procedures, related to establishment of the Open Space fund. Revise Section 16.6.1 to include the following language immediately following the second paragraph of the existing text:

For any development within the PUD-C Overlay District, an applicant may, with the approval of the SPGA, make either cash payment in lieu of providing the required usable open space, or a partial cash payment combined with a partial provision of the required usable open space. ***Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director and OSPCD prior to formal submission of an application to help determine project compliance. For payments made in lieu of more than 25% of the usable open space required, the developer must designate, in coordination with the City and the Executive Director of OSPCD, a site to which those contributions shall be applied.***

***Such payments shall be made to the City of Somerville in coordination with the Finance Director of the Mayor’s Office of Strategic Planning and Community Development.*** The City shall hold such payments in a stabilization fund dedicated to land acquisition, design, construction, and maintenance of usable open space in Union Square. This may include but not be limited to repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of usable open space in Union Square.

[Formula language to remain as proposed.]

***All deed covenants, contractual agreements, and other documents necessary to ensure compliance with this Article shall be submitted to and approved by the SPGA prior to and as a condition of the issuance of any occupancy permit.*** No building permit shall be issued unless and until the cash payment under this Section has been made. The SPGA may allow phasing of payments consistent with the approved phasing of the PUD-C project.

- Rationale: To ensure that the payment-in-lieu option is exercised only when the SPGA and OSPCD staff deem it appropriate; and to clarify how payments would be made, documented, and applied.

- 5) Page 8, Task 4. PUD Review Procedures. Amend subsection 16.7 (PUD Design Guidelines) by ***creating a new Section 16.7.1 (Design Guidelines for PUD-C Districts) after the existing guidelines*** and inserting the language below:

A Development within the PUD-C Overlay District shall also be subject to the following additional design guidelines:

- 1) Across the primary street edge(s), the building should complete the streetwall.
- 2) Setbacks fronting major streets are strongly encouraged to be not less than ten (10) feet from the parcel line, particularly along Prospect Street.

- 3) To promote pedestrian activity, buildings should be designed with separate front entrance doors to lobbies, cultural spaces, retail stores, and other sources of pedestrian activity. These entrances should be oriented to existing public sidewalks and other open space.
- 4) Massing and height of the building should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically-protected property. ***Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.***
- 5) ***A transition in height should be established between residential or historically significant properties and new development.*** To be compatible with surrounding structures, taller elements (above four stories) should be oriented toward major streets (Prospect Street and Somerville Avenue) and intersections and away from lower-scaled residential areas, should be relatively slender, should generally be set back at least fifteen (15) feet from the streetwall, and should be designed to minimize shadow and wind impacts to open space and residential areas. No building in the PUD-C1 subdistrict should cast a shadow on the parcel bounded by Somerville Avenue, Prospect Street and Washington Street between the hours of 10 am and 2 pm year round.
- 6) The first four stories should provide human scale through design elements such as changes in plane, and variety or contrast in form, color, and materials. ~~Vertical~~ ***Architectural elements and*** setbacks should be used to break up long façades and avoid large areas of undifferentiated or blank building façades.
- 7) Non-residential ground floor façades should have a minimum 60% transparent material, and second floor facades should have a minimum of 40% transparent material.
- 8) Rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.
- 9) On-site, off-street parking should be located either at the rear of the lot behind the building or below street level. Parking should not abut the street edge of the parcel, and it should be suitably screened both visually and acoustically from abutters.
- 10) ~~Provide access to on-site, off-street parking from either a side street or an alley. Where this is not possible, provide vehicular access through an opening in the street level façade of the building of a maximum of 25 feet in width.~~ ***On-site, off-street parking should be accessed from either a side street or an alley. Where this is not possible, vehicular access should be provided through an opening, no wider than 25 feet, in the street level façade of the building.***
- 11) Parking structures should incorporate ground floor retail, office, studios, or residential units along street frontages to maintain the street wall.
- 12) Usable Open Space should be located either to support public gathering spaces, or to provide landscaped buffers for abutting residential uses, in a manner consistent with open space standards for Union Square. ***To the extent possible, usable open space should be designed to appear as an***



***extension of existing public space, through uniformity in design and materials.***

- 13) All rooftop-building systems should be incorporated into the building form in a manner integral to the building architecture.
- 14) Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements should be screened from public view.
- 15) ***Lighting should be appropriate to the historic character of Union Square, its buildings, and surrounding neighborhoods, and should***  
~~Appropriate lighting should be used to enhance safety and security while minimizing glare and light pollution.~~
- 16) ***New signage should be designed to respect its building and visual context, and to be oriented toward pedestrian traffic. To add interest and character to the retail environment, flexibility in the size, location, and illumination of signs is encouraged.***

- Rationale: Most changes recommended by Historic Preservation Commission. Changes to #10 are intended to clarify the advisory rather than mandatory nature of the guidelines.

#### Union Square Arts Overlay District

- 1) Throughout text. Change all instances of the word *Artist's* or *Artists'* (regarding Artist Housing or Artist Studio Space) to ***Artist***. Rationale: Correct grammar and provide consistency in terms.

- Rationale: Correct grammar and provide consistency in terms.

- 2) Page 11, Task 1. Creation of Union Square Arts Overlay District. Amend proposed SZO 6.1.22. B (Standards & Guidelines) to read:

The Planning Board shall serve as the Special Permit Granting Authority in the Union Square Arts Overlay District.

Any Development within the Union Square Arts Overlay District that is allowed by Special Permit shall be subject to the ~~following design guidelines~~ ***SZO 5.2.4, Design Guidelines, for Business or Residence Zones as applicable:***

- ~~1) Across the primary street edge(s), the building should complete the streetwall;~~
- ~~2) Major building entrances and entrances to retail stores and other sources of pedestrian activity should be oriented to existing public sidewalks and other open space;~~
- 3) ~~Massing of the building should be articulated in a manner compatible with the surrounding district, particularly where a building abuts a lot or lots within a residential district;~~

~~4) On site, off street parking should be located either at the rear of the lot behind the building or below street level; parking should not abut the primary street edge(s) of the parcel; and~~

~~5) Access to on site, off street parking should be provided from either a side street or an alley; Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum of 25 feet in width.~~

- Rationale: Consolidate design guidelines within Ordinance (in Articles 5 and 16), and maintain Article 6 as primarily “establishing” zoning districts.

### **PLANNING BOARD RECOMMENDATION**

The Planning Board recommends approval of the proposed zoning as amended herein with the expectation that more specific design guidelines and greater restrictions could be attached to individual development projects as part of the Special Permit or SPSR processes.

The Planning Board finds that the proposed zoning would aid progress on two goals: to establish and clarify Artist Housing and Artist Studio Space uses in the Ordinance; and to promote density and flexibility, aiding the development of mixed-use and arts-related development in Union Square.

Overall, the proposed increases in height and density are appropriate for transit-oriented development and anticipate the changing needs associated with the MBTA Green Line station destined for Union Square. As the greater heights and densities would be concentrated on the eastern edge of Union Square, most historical structures would be unaffected while underdeveloped parcels would be targeted for new development. By encouraging mixed-use developments, arts-related uses, and high-quality open space, the proposed amendments will preserve and increase the variety that is the hallmark of Union Square, while improving quality of life for residence and increasing revenues to bolster City services.

Sincerely,



Kevin Prior  
Chairman